

**State of New Hampshire
Office of Licensed Allied Health Professionals
Occupational Therapy Governing Board
Concord, New Hampshire**

In the Matter of:
Catherine Rivera
(Application for License)

ORDER ON APPLICATION DENIAL

The New Hampshire Governing Board of Occupational Therapy ("Board") issued received an application for licensure from Catherine E. Rivera ("Ms. Rivera" or "Petitioner") on September 21, 2012. For the following reasons, the Board has voted to **DENY** the Petitioner's request for licensure.

Background

The Petitioner submitted an application for licensure on September 21, 2012, *Exhibit A*. The following documents were submitted in support of the application on the corresponding dates:

| | |
|------------|----------------------------------------------------------------------------------------------------------------------|
| 09/21/12 | Transcripts from Bay Path College |
| \ 09/21/12 | Criminal Offender Record Report from Massachusetts |
| 09/21/12 | 3 Letters of Reference – All 3 not accepted because they were not in compliance with the Administrative Rules |
| 09/21/12 | Resume – Not accepted because it was not in compliance with the Administrative Rules |
| 09/28/12 | Verification of Licensure from Massachusetts |
| 10/09/12 | NBCOT Verification of Certification |
| 11/19/12 | Criminal Offender Record Report from Connecticut |

On September 21, 2012 a letter was sent to the petitioner at 47 Cheyenne Drive, Nashua New Hampshire 03063 informing the Petitioner of the documents needed to complete the licensure process.

On June 21, 2013, a person who identified herself as Beth from the Hudson School District called the Board's office to check if Catherine E. Rivera held a New Hampshire Occupational Therapy Assistant license. Traci Weber, Executive Secretary ("Ms. Weber") informed Beth that there was no one licensed by that name. Beth stated that the Ms. Rivera had worked for the Hudson School District as an occupational therapist but when asked to produce a license left employment without notice. Beth stated that Ms. Rivera worked for a Temp Agency out of Florida, ***Exhibit B***.

On July 23, 2013 the Board sent a letter to Ms. Jeanne Saunders, Director of Special Education, SAU 81 requesting information about Ms. Rivera's employment, ***Exhibit C***.

On August 2, 2013 the Board received a letter from Ms. Saunders providing the name of the Temp Agency, giving Ms. Rivera's job description and job title, and the beginning and ending dates of Ms. Rivera's employment. In addition to the letter Ms. Saunders provided Ms. Rivera's resume, contract with the school, certificate of insurance, a copy of a contract titled Progressus Therapy, LLC and Hudson School District Direct Hire Agreement of Catherine Rivera, Ms. Rivera's NBCOT card, and a letter from Jeanne Saunders to Catherine Rivera terminating her employment, ***Exhibit D***.

Relevant Law:

RSA 328-F:23, II., (i)

"Practice without a currently valid license."

RSA 328-F:23, II., (j)

"Violation of any provision of this chapter, of any governing board's practice act or rule adopted pursuant to RSA 541-A, or of any state or federal law reasonably related to the licensee's authority to practice or ability to practice safely."

RSA 326-C:3 I.

"No person shall practice or hold oneself out as being able to practice occupational therapy or assist in the practice of occupational therapy or provide occupational therapy services in this state unless the person is licensed under this chapter and RSA 328-F. Nothing in this paragraph shall be construed to prohibit students enrolled in board approved schools or courses in occupational therapy from performing occupational therapy which is incidental to their respective courses of study or supervised field work.

Occ 405.02(j)

“Practice without a currently valid license.”

Occ 405.02(k)(1)

“(1) Any provision of RSA 328-F;”

Occ 405.02(k)(2)

“(2) Any provision of RSA 326-C”

Occ 405.02(k)(3)

“(3) Any rule adopted by the board;”

RSA 326-C:5, I

“An applicant shall possess the following qualifications to be licensed . . . [b]e of good moral character”

Conclusion:

For the reasons stated above, the Petitioner's application for licensure is **DENIED**.

THEREFORE IT IS ORDERED this Order on Application Denial ("Order") will become a 'final order' within fifteen (15) days of the effective date of this Order, as defined further below, unless prior to 4:00 p.m. on the fifteenth day of the effective date of this Order, unless the Board receives a written request for a hearing; and

IT IS FURTHER ORDERED that receipt of a timely filed hearing request shall automatically stay this Order and a further order shall be issued in due course in which the Board establishes a date and time of the hearing, and specifies the issues to be heard; and

IT IS FURTHER ORDERED that any hearing held in response to this Order shall be a non-adjudicatory hearing conducted pursuant to RSA chapter 326-F; RSA chapter 328-F and RSA chapter 541-A. The Petitioner may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the Petitioner has identified disputed factual issues which require resolution. This non-adjudicatory hearing will be conducted in non-public session unless the Petitioner makes a timely written request to conduct it in public session. Subsequent to such hearing, the Board will issue a 'final order' within the statutory amount of time; and

IT IS FURTHER ORDERED that once a Board order is a 'final order' in accordance with either of the circumstances outlined above, such order shall become a public document and the petitioner has thirty (30) days to file a request for reconsideration pursuant to RSA 541:3. Such motion shall comply with RSA 541:4.

IT IS FURTHER ORDERED that this order shall take effect as an Order of the Board on the date it is signed by an authorized representative of the New Hampshire Governing Board of Speech-Language Pathology.

BY ORDER OF THE BOARD

Date: August 29, 2013

Tina M. Kelley
Tina M. Kelley, Administrator
Authorized Representative of the
Occupational Therapy Governing Board